

Permit Implementation Focus Areas
AWB Ideas for Consideration – Draft of Initial Ideas
September 8, 2008

Outreach and Education

- Develop field video and commentary of necessary BMPs, perhaps by industry type. “Pictures and spoken narrative are better than written directions.” Compile “best practices.” Share to permittees through available media – CD, web-based, U-Tube.
- Review outreach strategies for any education/training. Goal is content-appropriate materials and communication style for permittee level of understanding. Based on survey, consider dissemination through small business and industry associations, ports, local government building/land use departments, Dept of Revenue, etc. Consult with those groups on funding, delivery, etc.
- Look for partnership opportunities with non-profits, environmental consulting community, etc. Partnership to include: content of material, presentation approach, choice of venues, cost-sharing, etc
- Consider joint training with WDOE inspectors, permittees, interested citizens on SWPPP preparation, best practice BMPs, site inspection methodology, etc.,
- Establish a certification program to demonstrate competence on ISWGP matters ala Construction Permit *Certified Erosion Control and Sediment Control Lead*.
- Permittees (perhaps by industry segment) invite WDOE inspectors for on-site explanation of ISWGP issues. Goal is to provide another perspective and openly share the challenges of the permit.
- The Western and Eastern Stormwater Management Manuals should be reviewed/modified to be direct, short, understandable.

Technical Assistance

- WDOE has a very successful TA model from the Dangerous Waste program (re. development of pollution prevention plans). Should be benchmarked for application to the ISWGP.
- Consider ISWGP “Hot Line” for routine Q&A.
- WDOE must be willing to give hard answers. For example, to identify what BMPs are really required (something between “Here’s the permit and SW Management Manual - comply with it” and “Remove all galvanized metal from

the site, add reverse osmosis treatment to remove copper ions, sweep 5 days per week, and change absorbent booms after every rainfall event.”)

- Permittees should be able to request TA without threat of follow-on enforcement (maybe two “free” visits).
- Recognize that site visit Inspection Reports are being used by citizen groups to develop enforcement actions. Is there a remedy? Perhaps WDOE should consider a private contractor for providing TA (and perhaps education/training services) and not produce discoverable documents.
- WDOE site visits should be more intense, and address the essential and literal compliance requirements of the ISWGP.

Research and Development

- Presumptive operational and source control BMPs should be identified in the ISWGP. Other states do this.
- Continue to provide incentives for innovative BMP development – collaborative work between WDOE and permittees.
- Science assessments
 - o Review scientific and technical basis of Benchmarks, especially metals and turbidity
 - o Examine EPA’s BMP effectiveness manual to understand true performance capability
 - o Assign WDOE Environmental Assessment Program to better assess impacts of stormwater pollutants on receiving waters
 - o Review “design storm” and “qualifying storm event” monitoring protocols
- Begin data collection to allow assessment of stormwater impacts on receiving waters; e.g., stormwater flow estimation.

Enforcement/Compliance

- Need to have an objective and confident ability to define “compliance.” SWPPP should be submitted, reviewed and approved by Ecology. Ecology approval defines AKART. Full implementation of the SWPPP constitutes permit compliance.
- The inability of the permittee to implement the SWPPP will result in automatic and progressive penalties. Consider Responsible Official certification on implementation of the SWPPP.

- Retain the current “Dispute Resolution” opportunity in the ISWGP. This represents a less formal mechanism to “be heard.”
- Drastically minimize the number of “shall” statements in the permit, especially in SWPPP content.
- Consider developing model SWPPP for small business and/or certain industry types. A “fill-in-the-blank” approach or option. The model SWPPP must fully respond to the mandatory requirements in the ISWGP and be in place at the time of permit adoption.